

# EXHIBIT 16



# Forensic Medical Consulting of NY, P.C.

Lone Thanning, M.D.,  
F.C.A.P., F.A.C.F.E., D.A.B.F.M.  
Diplomate, Anatomic & Forensic Pathology

November 8, 2010

David Strachman, Esq.  
McIntyre, Tate & Lynch, LLP  
Counsellors at Law  
321 South Main Street – Suite 400  
Providence, RI 02903

**Re: The Estate of Yaron Ungar, et al. vs. The Palestinian Authority, et al.**  
**C.A. #: 00-105L**

## **DISCLOSURE OF EXPERT TESTIMONY**

Dear Mr. Strachman,

Pursuant to your request, I have examined the following documents and evidence pertaining to the above captioned matter:

**I. THE DATA AND OTHER INFORMATION CONSIDERED IN FORMING THE OPINIONS:**

1. Michael M. Baden's Expert Report, with Exhibits A & B.
2. The Israeli Police Report.
3. Dr. Levy's Autopsy Report.
4. A portion (pp. 28-65) of Transcript of the July 12, 2002 Damages Hearing before Magistrate Judge Martin.
5. The Israeli Military Court Verdict against Abdel Rahman Ismail Abdel Rahman Ghnaimat (which discusses the Ungar shooting under section i., the eighth charge).
6. 6 Color Photographs of Yaron Ungar and 7 Color Photographs of Efrat Ungar, taken at External Autopsy Examinations.
7. Color Photographs of the Vehicle at the Crime Scene; 30 digital Color Prints.
8. 57 Digital Color Prints of the Impounded Vehicle at the National Police Headquarters in Jerusalem.
9. Alan Friedman's curriculum vitae.
10. Photo Caption Description of the Vehicle bullet and other damage.
11. Additional Statements by Abdel Rahman Ghnaimat.

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**DISCLOSURE OF EXPERT TESTIMONY (CONT.)**

**IIa. BASIS AND REASONS FOR OPINIONS:**

Based upon all of the above, as well as my background, education, training and experience as a Board Certified Diplomate of Anatomic Pathology, Forensic Pathology, Forensic Examination and Forensic Medicine; and, furthermore, as former Chair and Chair Emeritus of the American Board of Forensic Medicine, Faculty Director and Associate Professor of Forensic Examination, Touro College School of Health Sciences, Assistant and Deputy Medical Examiner; Recently Retired Chief Medical Examiner of Rockland County Office of the Chief Medical Examiner; Currently a Police Surgeon Life Fellow and Advisory Board Member of the International Society of Police Surgeons, Distinguished Lecturer of Law, Jacob D. Fuchsberg School of Law, and President of Forensic Medical Consulting of NY, P.C.; I have arrived at the following:

**IIb. CASE SUMMARY:**

On June 9, 1996 at approximately 22:30 hours (10:30 p.m.), an anonymous call from a traveling vehicle on the road from Zacharia Junction toward Re'em Junction in Israel, reported that a white Ibiza vehicle had left the roadway standing on the side, 1200 meters west of Gefen Village Exit, with wounded people inside. The responding rescue crew extricated a fatally shot man from the front passenger seat, later identified as Yaron Ungar, and a fatally shot woman, from the driver's seat, later identified as Efrat Ungar; together with the married couple's live, (uninjured) infant who was removed from a child's seat positioned in the rear seat of the vehicle and taken to the hospital.

21 - 7.62 x 39 caliber (rifle) bullet casings, were scattered along the roadway along with one live unfired 5.56 x 45 caliber bullet. These were collected and submitted to the weapons laboratory.

Bullet fragments and a live, unfired 5.56 x 45 caliber bullet recovered from the vehicle's cargo compartment were also collected and photographed.

The car showed:

- a. 3 bullet entry holes in the cracked window of the rear cargo compartment door and left and top panel of its window frame. Directionality of shots: left to right, from behind.
- b. Rear, left side window: 6 apparent bullet entry holes; path: rear to front, diagonal to the window.
- c. Front, left side window: 16 apparent bullet entry holes, including 1 in front panel window frame. Bullet paths:
  - I. Rear to front, diagonal to window;

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**DISCLOSURE OF EXPERT TESTIMONY (CONT.)**

II. Perpendicular to window; and

III. Front to rear, diagonal to window.

d. Front of vehicle: 3 bullet entry holes to hood. Path: Left to right, from front. 1 bullet entry hole to left headlight. Right bumper: 1 bullet entry hole. 17 bullet holes to front windshield, some entry – others exit holes. Both front tires were flat, (consistent with additional, unidentified, bullet holes).

e. Right front door: Interior aspect: "Secondary Hits". (= ricochetting bullets from cabin). "Secondary" (= exit holes) noted on exterior aspect. 4 apparent bullet exit holes in visible section of the half opened window. Additional bullet exit holes noted in concealed portion of this right, front side window.

The perpetrators were subsequently arrested and testified in Military Court in Israel that one, Raed Abu Hamdiya was the driver of the perpetrating vehicle which drove behind the Israeli car for about 5 minutes. Hamdiya then accelerated the vehicle and both Defendants, who decided to make the Israeli car the target of a shooting attack, allegedly for purposes of testing their weapons, opened fire at the car using 2 Kalashnikov rifles. After the Israeli car was hit by "dozens of bullets", it continued traveling; then stopped. The 3 perpetrators fled the scene.

**AUTOPSY FINDINGS:**

The identified, approximately, 47 shots to the vehicle, some of which went through and through the vehicle, caused fatal injury to both front seat occupants, as follows:

I. Multiple rifle gunshot wounds to Mrs. Ungar's head, face, neck and upper anterior chest (per autopsy photographs).

II. 3 rifle gunshot wounds to Mr. Ungar's head and face in addition to "dicing injury" from glass splinters or fragments to the left side of his forehead and face, and shrapnel wounds to the head, (left side of occiput), anterior neck, front of chest (14 in total from 3/16 – 1.4 inches). Shrapnel entrance wound injury is also described in the back of the right wrist and on the inside of the upper third of Mr. Ungar's left forearm. The latter was notable for only light bleeding from the lacerated muscles. [This finding suggests the left forearm injury occurred late in the succession of the shots and shrapnel injury to Mr. Ungar. It implies that Mr. Ungar was losing Blood Pressure to shock levels while still neurologically intact enough to hold his arm raised. Such Blood Pressure loss would take a number of seconds to occur]. Comminuted fractures were also noted of the (left) thumb and forefinger.

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**DISCLOSURE OF EXPERT TESTIMONY (CONT.)**

The right and left front of thighs and left knee with patella (knee cap) fractures showed entrance shrapnel wounds with one incomplete exit shrapnel wound of the posterior right thigh.

Mr. Ungar's gunshot wounds consisted of two to his face. One to the left nostril area, a penetrating wound through left upper jaw to the left eye orbit. The (arbitrarily) second facial bullet wound was to his left forehead burrowing downwards across the facial midline underneath the right eye orbit to the inner upper jaw and lacerating the tongue. Neither of these 2 facial gunshot wounds involved any part of the brain. (Note: In my professional opinion, as far as I can tell from the photographs, this bullet wound grazes the face in the opposite direction; upwards, rather than downwards).

The (arbitrarily-designated) third gunshot wound to Mr. Ungar's head is photographically depicted as a gutter or graze wound (as is the photographic depiction of my designated gunshot wound #2). A tangentially coursing forceps probe indicates the trajectory of this rifle bullet's path through left temporo-parietal scalp, underlying skull bones and dura mater. This wound exposes the surface of the brain matter as it protrudes through the fractured skull bone fragments driven outwards by the rising, edematous brain.

**III. OPINIONS TO BE RENDERED:**

The two gunshot wounds involving facial bones do not penetrate the brain, hence, these are not immediately unconsciousness-producing. It is the arbitrarily-designated third shot to the left side of the head which is the consciousness-limiting injury. Since it only indirectly, or marginally, involves the brain itself, and is located in sensory portions of the brain far away from the vital centers, this is not immediately unconsciousness-producing either. Unconsciousness sets in, followed by deep coma and death, as the **secondary brain swelling** (= cerebral edema) evolves forcing brain matter outwards, across the fractured skull bone edges, which avulse (lacerate) the surface of the brain. However, this is not well-visualized in the autopsy photographs, where the exposed brain appears pretty much intact, but bulging. In this case, the fractured left calvarial bones actually provide a pressure-relief to the swelling brain thereby, albeit briefly, sparing the deeper, vital, mid-brain and brain stem structures. The described, palpated basal skull fractures are not specified in location other than, indirectly, in connection with gunshot wound #1, to the left nostril area, which terminates in the left orbit. The roof of the orbit is egg-shell thin. Therefore, it cracks easily either directly or indirectly, (such as from the pressure of the temporary gas cavity traveling with and around the bullet). The orbital roof forms the floor, basal skull, of the anterior cerebral fossa.

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**DISCLOSURE OF EXPERT TESTIMONY (CONT.)**

Life-threatening cerebral edema typically develops over 1-2 minutes following head trauma. However, with significant bleeding from the multiple shrapnel – and 2 other gunshot wounds to the face, the time for unconsciousness to set in is reasonably reduced by at least about half the time; compared to cerebral edema alone being the mechanism of unconsciousness and death.

**CONSCIOUS PAIN AND SUFFERING ASSESSMENT**

Therefore, it is my professional opinion that **Mr. Ungar suffered approximately at least 30-45 seconds of conscious awareness, pain, despair, anxiety, choking on his own bloody secretions filling his airway.**

**PRE-IMPACT TERROR ASSESSMENT:**

Considering the shot angles coming from the rear of the vehicle, then left rear window, then left front side window, and lastly from the left front, then front windshield area as the assault vehicle drove up behind, then next to, then passed the Ungar vehicle; the following inferences are made:

Mr. Ungar's temple, nose and forehead shots are all steeply angled relative to a normal, anatomical forward facing, sitting position in the front passenger seat. This implies that he was already slumped forwards, backwards vs. sideways as he received these shots somewhat later in the shooting succession. Since no directionality (front to back vs. back to front) is indicated in the External Autopsy Report of the left temple shot, nor can be deciphered from Mr. Ungar's autopsy photographs, there is no telling whether this shot was received early, through a right side window, or later through the windshield.

Although Mr. Ungar's entrance wound shrapnel injury to the **inside** of his left upper forearm and to the back of his right wrist suggests he braced himself against the bullet stream by turning left towards his wife, (as suggested by Dr. Friedman in his testimony); raising his arms over his head; likely ducking his head, and likewise, most likely raised his thighs and left knee to brace his torso from the bullet attack through the left side windows and windshield. This posturing explains the anatomical locations of his shrapnel injury from the cabin-penetrating and ricocheting bullets (as evidenced in the Vehicle Impounding Report examination of the inner aspect of the right front door). Based upon the multiple uncertainties regarding the sequence, as well as the total time span of this shooting scenario; **I shall refrain from addressing the issue of the Pre-Impact Terror at this juncture.**

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**DISCLOSURE OF EXPERT TESTIMONY (CONT.)**

**CONCLUSION:**

It is my professional opinion that **Mr. Ungar suffered approximately 30-45 seconds of conscious pain and suffering from the time he received his first bullet vs. shrapnel injury to his loss of consciousness, primarily from his left temple wound.**

All opinions are stated to a reasonable degree of medical certainty. Testimony in circumstances and further information presented to me before or at trial, and including my response to posed hypothetical theories might provide greater latitude in my rendering further opinions.

**IV. EXHIBITS TO BE USED AS A SUMMARY OF OR SUPPORT FOR OPINIONS:**  
To be determined.

**V. QUALIFICATIONS, INCLUDING A LIST OF ALL PUBLICATIONS AUTHORED BY ME WITHIN THE PRECEDING 10 ( TEN) YEARS: SEE ATTACHED CURRICULUM VITAE.**

**VI. THE COMPENSATION TO BE PAID FOR THE STUDY AND TESTIMONY:  
SEE ATTACHED FEE SCHEDULE.**

**VII. A LISTING OF ANY OTHER CASES I TESTIFIED AS AN EXPERT AT TRIAL  
OR BY DEPOSITION WITHIN THE PRECEDING 4 (FOUR) YEARS: SEE  
ATTACHED LISTING.**

Respectfully Submitted,

  
**LONE THANNING, M.D., F.C.A.P.,  
FACFE, DABFM  
FORENSIC PATHOLOGIST**

LT:dg  
PC10-10-1105



## *Forensic Medical Consulting of NY, P.C.*

Lone Thanning, M.D.,  
F.C.A.P., FACFE, DABFM  
Diplomate, Anatomic & Forensic Pathology

### **CURRICULUM VITAE**

#### **PERSONAL DATA:**

**Name:** **Lone Thanning, M.D., F.C.A.P., DACFE, DABFM**  
**Board Certified:** **Anatomic and Forensic Pathology,  
Forensic Medicine and Forensic Examination.**

**Address:** **148 Huntington Bay Road  
Huntington, NY 11743**

**Citizenship:** **United States**

**Date of Birth:** **May 6, 1953**

**Place of Birth:** **Greve, Denmark**

#### **EMPLOYMENT:**

**1989 - Present:** **Director, Forensic Medical Consulting of New York, P.C.  
Anatomic and Forensic Pathologist Practice.  
[Incorporated April 2006].**

**April 1, 2003 -  
May 27, 2008:** **Chief Medical Examiner,  
Office of Chief Medical Examiner, Rockland County, New York.**

**August 1, 2002:** **Forensic Pathologist Consultant,  
Office of Chief Medical Examiner, Rockland County, New York.**

**January 1994 -  
September 1994:** **Acting Assistant Medical Examiner  
Office of the Medical Examiner, Onondaga County, New York.  
Locum Tenens Position. In charge of 24 hour operation of  
Medical Examiner's Office.**

**July 1987 -  
August 1993:** **Deputy Medical Examiner-Forensic Pathologist  
Office of the Medical Examiner, Nassau County, New York.**

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**PROFESSIONAL TRAINING:**

7/86 - 6/87: Fellowship in Forensic Pathology, Office of the Medical Examiner,  
Nassau County, New York.  
**A.C.G.M.E. - ACCREDITED PROGRAM**

7/83 - 6/86: Resident Physician in Anatomic Pathology, State University of  
New York at Stony Brook.  
**Chief Resident, 7/1/85 - 6/30/86.**  
**A.C.G.M.E. - ACCREDITED PROGRAM**

3/82 - 6/83: Resident Physician in Internal Medicine, Amtssygehuset, Maribo,  
Denmark.  
**Chief Resident and Attending Physician 11/1/82 - 6/30/83.**

3/80 - 2/82: Mixed Medical Intern and Resident Physician, University of  
Copenhagen. Affiliated Hospitals, Denmark and Sweden.  
**National Health Department of Denmark Accredited Program.**

**EDUCATION:**

9/72 - 1/80: **Medical School, University of Copenhagen, Denmark.**  
All Clinical Training received at The Royal National Institute  
of Health.  
**Degree: Medical Doctor.**

8/69 - 6/72: Roskilde Kommunale Gymnasium, Denmark.  
**Degree: University-prep Degree.**

**CERTIFICATES:**

**NATIONAL MEDICAL  
SPECIALTY BOARDS:**

**ABP**  
**AMERICAN BOARD**  
**OF PATHOLOGY:**

**Board Certified Diplomate, Anatomic Pathology**  
**Board Certified Diplomate, Forensic Pathology.**  
Issued: June 1993.

**ACFE**  
**AMERICAN COLLEGE OF**  
**FORENSIC EXAMINERS:**

**Board Certified Diplomate, Forensic Examiner,**  
**(DACFE).** Issued: May, 1995.

**Board Certified Diplomate, Forensic Medicine,**  
**(DABFM).** Issued: September, 1995.

**FLEX CERTIFICATION:**  
National Medical Board  
of USA Equivalent

Parts I and II of II  
Issued: September, 1985.

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**CERTIFICATES (cont.):**

**V.Q.E. CERTIFICATION:** Certificate Number: 341-150-1  
Visa Qualifying Examination Issued: October, 1983.

**E.C.F.M.G. CERTIFICATION:** Certificate Number: 341-150-1  
Educational Commission of Issued: May, 1982.  
Foreign Medical Graduates

**LICENSES:** **Medical License, Unrestricted, to Practice Independently as a Physician in the:**

**State of New York:** License #: 167182-1.  
Issued: July, 1986

**State of Florida:** License #: 55030.  
Issued: February, 1989  
Status: Inactive.

**Countries of Scandinavia, European Economic Community, Greenland, and the Faroe Islands:**

License #: 060553-0958  
Issued: October, 1982.

**LANGUAGES:**

Fluent in Written and Spoken: Danish, English, Swedish, Norwegian, French and German.

**PROFESSIONAL SOCIETIES:**

**Current:**

- 1) Fellow - College of American Pathologists (F.C.A.P.). ID#: 0701990.
- 2) Life Fellow - American College of Forensic Examiners (FACFE-Life).
- 3) Member United States and Canadian Academy of Pathology, Inc.

**Past:**

- 4) Member New York Society of Medical Jurisprudence.
- 5) Subs. Member National Association of Medical Examiners.
- 6) Member New York State Association of County Coroners & Medical Examiners.

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**ACADEMIC APPOINTMENTS:**

**2007. Touro Law**

**Conveyed Honorary Title of:  
"DISTINGUISHED LECTURER IN LAW".  
Touro College Jacob D. Fuchsberg Law Center.**

**Intoxikon, International,  
Yardley, Pennsylvania  
2003 - Present.**

**Member, Advisory Board of Directors.**

**Touro International College,  
School of Health Sciences  
Appointed 2000**

**PROGRAM DIRECTOR  
Head of Faculty, Forensic Examination, and  
Associate Professor.**

**American College of  
Forensic Examiners**

**CHAIRMAN  
The American Board of Forensic Medicine.  
Executive Board of Medical Advisors (ABFM).  
1997 Term of Office.  
1998 Term of Office (Re-appointed).  
1999 Term of Office (Re-appointed).  
CHAIR EMERITUS  
The American Board of Forensic Medicine.  
2000 Term of Office.  
2001 Term of Office (Re-appointed).**

**American Academy of  
Thermology 1999:**

**Conference Faculty Member  
Faculty Member.**

**ACFE  
1996 - 1999:**

**Conference Faculty Member  
American College of Forensic Examiners.**

**American College of  
Forensic Examiners**

**Member, Executive Board of Advisors for  
Professional Standards (ACFE).  
1998 Term of Office.**

**International Society of  
Police Surgeons (ISPS):  
1997-Present**

**Member, Executive Advisory Board for the  
International Society of Police Surgeons (ISPS).  
Life Fellow, Police Surgeon, ID Badge #: 485.**

**ACFE**

**Chairman, Continuing Education  
Subcommittee,  
(ABFM), 1998 and 1999 Term of Office.**

**ACFE  
12/14/96 – 12/99:**

**Member, Editorial Board of Advisors,  
The American College of Forensic Examiners.**

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**ACADEMIC APPOINTMENTS (CONT.):**

**ABFM**

**9/14/95 - 12/14/96:**

**Member of the Executive Board of Advisors  
for Professional Standards.**  
**The American Board of Forensic Medicine.**

**New York State University  
(SUNY at Stony Brook).**  
**2/87 - 11/93:**

**Faculty Appointment as Clinical Instructor,  
Department of Pathology, (Teaching of  
Medical Students and Residents).**

**New York State University  
(SUNY at Stony Brook).**  
**7/83 - 6/ 86:**

**Faculty Appointment as Assistant  
Clinical Instructor, Department of  
Pathology.**

**HONORARY AWARDS:**

**January 2004:**

**Achievement Award for Working and Helping  
Veterans Who Served.**

**2002 Edition:**

**Listed in Nationwide Register's "Who's Who" in  
Executives and Businesses.**

**October 1998:**

**Honored for dedicated leadership as Chairman;  
American Board of Forensic Medicine.**

**September 1994:**

**Honored for Leadership Onondaga Medical Examiner's  
Office, Syracuse, New York.**

**OTHER TEACHING ACTIVITIES:**

**4/03 – 5/08:**

**Medical Examiner's Office, Rockland County.  
Instruction and Supervision of Forensic Medical Investigators,  
Morgue Technicians, Clerical Staff and Laboratory Personnel.  
Supervision of Forensic Lecturing of High-School Students, Police  
Academy Students, and BOCES Students.**

**1/94 - 9/94:**

**Medical Examiner's Office, Onondaga County, New York.  
Instruction and Supervision of Forensic Medical  
Investigators, Morgue Technicians, Clerical Staff and Laboratory  
Personnel.**

**7/87 - 8/93:**

**Medical Examiner's Office Nassau County, New York.  
Forensic Pathology Teaching and Supervision of Fellow Medical  
Examiner-Pathologist Trainees, Pathology Residents, Medical  
Students, Law Students, Police Academy Students, EMS and AMS  
Trainees. Instruction and Supervision of Forensic Medical  
Investigators and Laboratory Personnel.**

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**PUBLICATIONS AND LECTURES:**

1. **L. Thanning, M.D., F.C.A.P. Speaker.** Breast Cancer Benefit; The Sheraton Hotel, 110 Motor Parkway, Hauppauge, NY 11788. Moderator: Michelle Imperato, Channel 55/10 News. October 10, 2010.
2. Cyril H. Wecht, M.D., J.D., Steven A. Kochler, MPH, Ph.D, and Lone Thanning, M.D. "Medical Legal Aspects of Medical Records. Autopsy Reports", Chapter 18. Second Edition, Volume I. Foundations of Medical Records. By Patricia Iyer, MSN, RN, LNCC & Barbara J. Levin, BSN, RN, ONC, LNCC. Lawyers and Judges Publishing Co., Inc. Tucson, Arizona, 2010.
3. **L. Thanning, M.D.; F.C.A.P. Speaker:** The Queens County Bar Association. "Practical Application of Civil Litigation Trial Techniques" Seminar. January 2009.
4. **L. Thanning, M.D., Presenter/Speaker: Nassau-Suffolk Counties Trial Lawyers' Association.** Case Presentations and Discussions. Hilton Hotel, Melville, NY 1998; County Attorneys Offices, Mineola, New York, December 2000; Westbury Manor, March 2007; "Forensic Considerations in Civil Litigation". Powerpoint Presentation.
5. **L. Thanning, M.D., Presenter/Speaker: Trauma Symposium.** Hilton Hotel, Mahwah, New Jersey. Sponsored by Good Samaritan Hospital, Suffern, New York. November 2005.
6. **L. Thanning, M.D., Lecturer.** Touro College. Jacob D. Fuchsberg School of Law. Fall 2004, 2005, 2006 and 2007.
7. **L. Thanning, M.D., ACFE//APA'S 7<sup>th</sup> Annual National Academy Convention.** Wrote "Core Course I" and Presented Part 3: "Principles and Practice of Forensic Medicine Applied in Civil Cases". Served on Teaching Faculty and as Moderator, Waldorf-Astoria Hotel, New York City, October 1999.
8. **S. Govindan, M.D. and L. Thanning, M.D., The American Academy of Thermology 28<sup>th</sup> Annual Meeting.** "Monitoring Postmortem Cooling of the Human Head". Abstract presentation. May 1999.
9. **L. Thanning, M.D., Article published in "The Forensic Examiner" Journal of the ACFE.** "Professional Medical Misconduct". Volume 8, Number 182, January/February 1999.
10. **L. Thanning, M.D., Srinivasa Govindan, M.D. (Co-lecturer), American College of Forensic Examiners' 6<sup>th</sup> Annual Academy Meeting, Naples, Florida.** "Sudden Death in Head Injury". A Forensic perspective. Abstract Presentation. Served on Conference Faculty for this National Convention. October 1998.

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**PUBLICATIONS AND LECTURES (CONT.):**

11. **L. Thanning, M.D., Editorial Letter Published in "The Forensic Examiner" Journal of the ACFE.** "On Issues of Ethics and Integrity Requirements in Continuing Education". Volume 7, Numbers 5 & 6, May/June 1998.
12. **L. Thanning, M.D., American College of Forensic Examiners' 5<sup>th</sup> Annual Academy Meeting, San Diego, California.** "Medico-Legal Controversies". A colloquy addressing problems in Death Certification. December 1997.  
  
Served as Division Chair (Forensic Medicine) for this National Convention.
13. **L. Thanning, M.D., American College of Forensic Examiners' 4<sup>th</sup> Annual Academy Meeting, San Diego, California.** "Mysterious Undiagnosed Deaths" - A Neuro-Psychiatric-Pathological Discussion, Co-Lecturer: David Rosengard, M.D., December 1996.
14. **Peer Review Editing of Multiple Articles Submitted to the "Forensic Examiner" Journal of the ACFE and National Continuing Medical Education Courses, as follows:**
  - **CME Course: Evaluation of National Internet Distance Course on Disability Assessments.** Author Gabriel E. Sella, M.D., American Academy of Family Practitioners. January 1996.
  - **"Legal Issues and Ethics", 1996.**
  - **"Delaware's Medico-Legal Investigation of Death", 1997.**
  - **"Delaware's Serial Killer", 1997.**
  - **"The Role of Forensic Psychological Evaluation in Death Row Appeal Cases", 1997.**
  - **"The Relationship Between Chronic Pain and Fear-Induced Disability", 1997.**
  - **"The Humpty Dumpty Affliction", 1997.**
  - **CME Course: "Syllabus on Forensic Sculpture." (Facial Reconstruction from the Human Skull), 1997.**
  - **"Teenage Suicide and Equivocal Cases", 1998.**
15. **L. Thanning, M.D., American Board of Forensic Medicine Section on Forensic Psychiatry Certification.** Editorial Letter published in "The Forensic Examiner" Journal of the ACFE. Volume 6. Numbers 9 & 10, Sept. - Oct. 1997.
16. **International Lecture: L. Thanning, M.D., Royal Danish National Institute of Health (Rigshospitalet) Department of Anesthesiology.** "Medico-Legal Aspects of Anesthetic Complications Regarding Central Venous Catheterization. July 1996.
17. **International Lecture: L. Thanning, M.D., University of Copenhagen, Denmark. Institute of Forensic Pathology.** "The Role of the Forensic Pathologist in the American Legal System". December 1993.

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**PUBLICATIONS & LECTURES (CONT.):**

18. **L. Thanning, M.D., Presenter/Speaker: Nassau - Suffolk Counties Trial Attorney's Association:** Hilton Hotel, Huntington, New York. "The Role of the Forensic Pathologist in Litigation." November 1993.
19. Chumas, J., **Thanning, L.**, Mann, W. Malignant mixed mullerian tumor arising in Extrageneral endometriosis. **Case Report and Literature Review.** International Journal of Gynecologic Oncology: 23, 227-233, January 1986.
20. **L. Thanning, M.D., Lecture: State University of New York, SUNY at Stony Brook, Department of Pathology.** "Biopsy Interpretation of Renal-Transplant Rejection." March 1986.
21. **Thanning, M.D., Lecture: State University of New York, SUNY at Stony Brook, Department of Pathology.** "Neuropathologic Changes Applicable in Medico-legal Deaths". November 1985.
22. **Lone Thanning, M.D., Tutorials in Surgery 5. Surgical Pathology.** F.D. Smiddy and P.N. Cowen. Diman Prss, Bath, 1984. Pp. 273, **Abstract on Medical Textbook Review.** Published in "The Journal of Histotechnology".
23. **Thanning, L., Knuhtsen, B.** Non-specific spondylitis. **Case Reports.** Ugeskrift for laege (The Danish Medical Journal. English Abstract) 50, 145:3913-3914. December 1983.

**PARTICIPATION IN UNPUBLISHED RESEARCH PROJECTS:**

1. E. Coryllos, Editor, **Thanning, L.**, Leiderman, M., Lukash, L., Office of the Medical Examiner, Nassau County. **Chapter in Book, on Sports Medicine.** "Sudden Unexpected Non-Traumatic Death in Children and Adolescents During Physical Exertion." 1990 - 1992.
2. Fromowitz, F.B., Lane, B.P., **Thanning, L.**, State University of New York at Stony Brook, Department of Pathology. **Comparative Study on Prostate Cancer Classification.** Electron Microscopy vs. Immunohistochemical Features. 1985 - 1986.
3. Sloan-Kettering Memorial Hospital; New York City. Tissue Laboratory. Director and Chairman Professor Bo Dupont. **Experimental Study on T-Cell//NK Cells.** 1981.

**CURRENT OR FORMER FORENSIC PATHOLOGIST EXPERT CONSULTANT FOR:**

- New York City; Patrolmen's Benevolent Association.
- New York City; The Legal Aid Society, Criminal Defense Division. New York City; The Neighborhood Defender Service of Harlem.
- New York State; Attorney General's Office.
- New York State; Office of Mental Health.

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**CURRENT OR FORMER FORENSIC PATHOLOGIST EXPERT CONSULTANT FOR  
(CONT.):**

- **New York State; Nassau County District Attorney's Office, Special Investigations Bureau and County Attorney's Office.**
- **Metro Medical Services (MMS).**
- **New York State; Capital Defender's Office.**
- **State of Kansas: Capital Defender's Office.**
- **Metropolitan Transportation Authority; Long Island Rail Road.**
- **Nationally; Medically Dedicated Incorporated (MDI).**
- **New York State; Indigent Defendants' Legal Panel. Assigned Counsel Plan.**
- **New York State; Onondaga County and Oneida County; District Attorney's Office.**
- **Washington, D.C.; Attorney General's Office. Pro Bono. For National Disaster Team Investigation of Major Airplane Crash. Avianca Airline, January 1990. (Participated in scene investigation, triage operation and conducted multiple autopsies).**
- **United Cerebral Palsy (UCP) Of Greater Suffolk, NY. (Pro Bono Consultant).**

**PROFESSIONAL EXPERIENCE:**

- **Over 4000 Autopsies and External Examinations Performed.**
- **Assisted in/Supervised over 5000 Autopsies.**  
(Hospital-Based, Medical Examiner Cases and Private Cases).
- **Performed Multiple Exhumation Autopsies.**
- **Performed Several Hundred Forensic Scene Investigations.**  
(Involving Homicide, Accidental, Suicidal and Natural Deaths).
- **Testified as an expert more than 400 times in the Court of Law and in Depositions.**  
(Includes Criminal Court, Supreme Court, Federal Court, Court of Claims, Hearings and Arbitrations in approximately 11 of the United States (NY, NJ, CT, RI, PA, NC, WV, KS, KY, FL, MI)).

**MEDIA EXPOSURE:**

1. ABC Eyewitness News, TV and Website. Reconstruction of Unidentified Body, 2004.
2. National Prime Time Radio (ABC News-Court TV): O.J. Simpson Trial Commentator. 1995.
3. Portrayed by Canadian Broadcast Television Company Aired in 59 Countries Worldwide; Forensic Case Work-up of High Profile Murder, 1990.
4. Danish National News Magazine Article, 1990.
5. National Educational Television on Drug and Alcohol Abuse-Related Fatalities. Aired more than one dozen times. Approximately 1988.

LT:dg  
OCT 2010



# Forensic Medical Consulting of NY, P.C.

Lone Thanning, M.D.,  
F.C.A.P., F.A.C.F.E., D.A.B.F.M.  
Diplomate, Anatomic & Forensic Pathology

November 8, 2010

David Strachman, Esq.  
McIntyre, Tate & Lynch, LLP  
Counsellors at Law  
321 South Main Street – Suite 400  
Providence, RI 02903

**Re: The Estate of Yaron Ungar, et al. vs. The Palestinian Authority, et al.**  
**C.A. #: 00-105L**

## STATEMENT

Forensic Pathologist Expert Injury Analysis with Conscious Pain and Suffering Evaluation,  
Correlation of Circumstantial Evidence with Anatomic and Physical Evidence, etc; upon  
examination of the following documents:

1. Michael M. Baden's Expert Report, with Exhibits A & B. 1 Hour.
2. The Israeli Police Report. 1 Hour.
3. Dr. Levy's Autopsy Report. 1 Hour.
4. A portion (pp. 28-65) of Transcript of the July 12, 2002 Damages Hearing before  
Magistrate Judge Martin. 1 Hour.
5. The Israeli Military Court Verdict against Abdel Rahman Ismail Abdel Rahman  
Ghnaimat (which discusses the Ungar shooting under section i., the eighth charge). ½ Hour.
6. 6 Color Photographs of Yaron Ungar and 7 Color Photographs of Efrat Ungar.
7. Color Photographs of the Vehicle at the Crime Scene; 30 digital Color Prints. 1 Hour.
8. 57 Digital Color Prints of the Impounded Vehicle at the National Police Headquarters in  
Jerusalem.
9. Alan Friedman's curriculum vitae. 1 Hour.
10. Photo Caption Description of the Vehicle bullet and other damage.
11. Additional Statements by Abdel Rahman Ghnaimat. ½ Hour.

**Re: The Estate of Yaron Ungar, et al. vs. The Palestinian Authority, et al.  
C.A. #: 00-105L**

**STATEMENT (CONT.)**

12. Multiple Telephone Consultations with Attorney, Mr. Wistow, and e-mail and facsimile correspondence.	<b>3 Hours.</b>
13. Rule 26 Federal Court Medical Report with all updated exhibits and edits.	<b>4 Hours.</b>

**TOTAL DUE UPON RECEIPT:**

**13 HOURS @ \$350.00 PER HOUR =                   \$4550.00  
LESS RETAINER RECEIVED 10/28/10 =               \$2800.00**

**TOTAL BALANCE DUE =                       \$1750.00,  
(No Charge for Super Rush Processing)**

**PLEASE REMIT YOUR PAYMENT TO ADDRESS ON BOTTOM OF FIRST PAGE  
AND ISSUE TO:**

**Forensic Medical Consulting of NY, P.C.  
EIN #: 20-4871921**

LT:dg  
PC10-10-1105



## Forensic Medical Consulting of NY, P.C.

Lone Thanning, M.D.,  
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Diplomate, Anatomic & Forensic Pathology

### LAST FOUR YEARS OF TRIAL TESTIMONIES AND DEPOSITIONS

#### 2006

01/13/2006 & 01/23/2006: Trial Testimony. For Plaintiff's Attorney, Mr. Ira Slavit. Bronx Supreme Court, Bronx County, IA. Part 6, Room 405A. Hon. Lucy Billings.

01/18/2006: Trial Testimony. Stroker/Coppola vs. Burce & Flynn. For Defense Attorney, Michael Callari, of Epstein, Rayhill & Frankini. Hon. Judge William R. LaMarca. Nassau County Supreme Court House, Mineola, NY.

02/17/06: Trial Testimony. Jules vs. Jeudy. For Defense Counsel, Steven DiSiervi, Esq., of Abrams, Gorelick, Friedman & Jacobson, P.C. Brooklyn Supreme Court, Room 362. Hon. Judge Partnow.

05/01/2006: Trial Testimony. Houck vs. Rock, et al. For Plaintiff Attorney, Anthony P. Gallo, P.C. Riverhead Criminal Court House, Supreme Court Par. Hon. Judge Ralph Costello. Room 210.

05/18/2006: Trial Testimony. For Plaintiff's Attorney, Edward Sivin of Sivin & Miller, L.L.P. Melvin Sylvester, Estate of, vs. City of New York. Federal Court House, Manhattan, 500 Pearl Street. Court Room 11C. Hon. Judge, Magistrate Frank Maas.

05/19/2006: Trial Testimony. For Plaintiff's Attorney, Joseph A. Hansche PLLC. Danielle Portello vs. Dr. Joh Brebbia. Criminal Court House. Second Floor. Supreme Court Division, Riverhead, Suffolk County. Hon. Judge Mayer.

06/22/2006: Trial Testimony. Estate of John F. Beyer vs. Dr. Parvaiz, et al. For Plaintiff's Attorney, Michael Gibson of Gibson, Lefler & Associates. Mercer County. Supreme Court Princeton, West Virginia. Hon. Judge Barek Swope.

07/11/2006: Trial Testimony. Cavalieri vs. NYC Housing Authority, et al. For Plaintiff's Attorney, Mr. Kenny, Law Office of William J. McLaughlin. Kings County Supreme Court, 4<sup>th</sup> Floor, Room 441A, Part 13. Hon. Judge Kramer.

08/10/2006: Trial Testimony. Arriaga vs. Dr. Holden et al. For Plaintiff's Attorney, Joseph R. D'Addario of John J. Guadagno Law Offices. Nassau County Supreme Court. Hon. Judge Brandveen, 4<sup>th</sup> Floor.

**LONE THANING, M.D.**

**LIST OF TRIAL TESTIMONIES AND DEPOSITIONS (CONT.)**

**2006**

08/17/2006: Trial Testimony. Wong/Manganello vs. Hamilton vs. Chimney and Furnace Vacuum Cleaning Corp. For Plaintiff's Attorney, Mr. Ivan Schneider of Schneider, Kleinick, et al. Queens Supreme Court. Room 45. Hon. Judge Dorsa. Index #: 5255/04.

10/06/2006: Trial Testimony. Powers vs. Landau, M.D., et al. Index #: 6213/05. For Plaintiff's Attorney, Mr. Charles N. Rock of Rock & Rosmarin. Goshen Supreme Court. Hon. Judge Owen. Court Room #2.

10/18/2006: Trial Testimony. Estate of Joan Catapano vs. LIRR. For Plaintiff's Attorney, Mr. Levy of Friedman, Levy, Goldfarb & Weiner, P.C. Nassau County Supreme Court, 4<sup>th</sup> Floor. Hon. Judge LaMarca.

11/03/2006: Deposition Testimony. Green vs. Trump Taj Mahal. For Defense Attorney, Mr. McDevitt of Naulty, Scaricamazza & McDevitt, LLP; Marlton, New Jersey.

12/20/2006: Trial Testimony. Matrimonial Family Court, Child Custody Case Proceeding. Mohen vs. Mohen. Index #: 202313/04. For Plaintiff's Attorney, Mr. Sheldon Krupnick. Hon. Judge Elaine Jackson Stack of Nassau County.

01/16/2007: Deposition Testimony. Villanueva vs. Township of Bloomfield, et al. Docket #: ESX-6-3286-03. For Defense Attorney, Mr. Robertelli of Rivkin Radler, Attorneys at Law, Hackensack, New Jersey.

05/03/2007: Deposition Testimony. Higginbotham vs. King, et al. Civil Action #: 04-C-470. For Plaintiff's Attorney, Curry & Tolliver, PLLC of Charleston, West Virginia.

05/14/07: Trial Testimony. Cherbavaz vs. County of Suffolk, et al. For Plaintiff's Attorney, Frederick K. Brewington. Federal Court. Eastern District, Central Islip, NY. Room 940. Hon. Judge Wexler. Docket #: CV-05-4250. (LDW) ETB.

05/29/07: Trial Testimony. Shanley vs. Caltabellotta. For Defense Attorney, Eugene G. Gallagher of Mead, Hecht, Conklin, & Gallagher. Rockland County Supreme Court. 4<sup>th</sup> Floor. Hon. Judge Nelson.

**LONE THANNING, M.D.**

**LIST OF TRIAL TESTIMONIES AND DEPOSITIONS (CONT.)**

**2007**

06/29/07: Trial Testimony. Crombie vs. Simhaee. For Plaintiff's Attorney, Larry Singer of Counsel to Ronemus & Vilensky, LLP. Queens County Supreme. 5<sup>th</sup> Floor, Part 10, Room 505. Hon. Judge Kerrigan.

07/02/07: Trial Testimony. Pflanz vs. Kenmore Hospital, et al. For Plaintiff's Attorney, John Dempsey of Dempsey & Dempsey. Supreme Court of Buffalo, New York. Hon. Judge Timothy J. Drury, Part 8. Index #: 2000-6719.

08/13/2007: Deposition Testimony. Hartmann vs. County of Nassau. For Plaintiff's Attorney, Mr. Daniel J. Hansen. Office of Nassau County Attorney, 1 West Street, Mineola, NY. Index #: CV-04-J784 (ILG)(CLP).

10/12/2007: Videotaped Trial Testimony. Katz, Administrator of the Estate of DiPietro vs. Parlman. Docket #: L2304-06. ON the premises of Forensic Medical Consulting of NY, P.C., Huntington, NY. For Defense Attorneys, Mr. Ralph Smith and Mr. Robert M. Kaplan of Margolis Edelstein Attorneys at Law, Westmont, New Jersey.

11/02/2007: Trial Testimony. Berger, Administratrix of The Estate of Hinda Esther Segal vs. The City of New York, et al. For Plaintiff's Attorney, Mr. Alan M. Greenberg, P.C. Kings County Supreme Court, Adams Street, Brooklyn. Room #424. Honorary Judge Solomon.

11/16/2007: Trial Testimony. Burwell, Administratrix of The Estate of Travis Davis vs. St. Joseph's hospital, et al. Index #: 17962/01. For Plaintiff's Attorney, Mr. Verchick of Werbel, Werbel & Verchick, LLP. Westchester County Supreme Court, 111 Martin Luther King Drive, White Plains, NY. Room 1200, 12<sup>th</sup> Floor. Hon. Judge Colabella.

12/06/2007: Trial Testimony. Mazur vs. Town of Evans. For Plaintiff's Attorney, Gregory P. Krull, of Lipsitz, Green, Scime & Cambria, LLP. Erie County Supreme Court, Buffalo, NY. 4<sup>th</sup> Floor.

**2008**

02/08/2008: Trial Testimony. Carroll vs. Betancourt. For Plaintiff's Attorney, Natascha Ayers, Law Offices of Jaroslawicz & Jaros, 111 Centre Street. Room 1227, 12<sup>th</sup> Floor, New York, NY. Hon. Judge Sherley Kornreich.

**LONE THANNING, M.D.**

**LIST OF TRIAL TESTIMONIES AND DEPOSITIONS (CONT.)**

**2008**

06/04/2008: Deposition Testimony. Estate of Angel Rodriguez vs. The U.S.A. and Jason Aaron Roberts. For Plaintiff's Attorney, Mr. Jay S. Knispel c/o David Resnick & Associates. On location, Office of U.S. Attorney, 86 Chambers Street, New York, NY 10007.

06/24; 06/26; 08/25/08: Trial Testimony. Kiril Tzotchev vs. Irina Tzotcheva. Nassau County Family Court; Matrimonial Section; Child Custody Case. For Plaintiff, Kiril Tzotchev by Attorney Eric Prusan Court Attorney Referee, Corp.

09/11/08: Trial Testimony. Lin Tsao, as Administratrix of the Estate of Kiang, Kiang & Chiang, individually, vs. Walker DBA Kelly Acres. Queens County Supreme Court, 2<sup>nd</sup> Floor, Room 24. For Defense, Mr. Cuomo of Finder & Cuomo. Hon. Judge Kelly.

09/18/08: Trial Testimony. Caputo vs. LIJ Hospital, et al. Queens County Supreme Court, 2<sup>nd</sup> Floor, Room 23. For Plaintiff, John Langell, Esq. of Fitzgerald & Fitzgerald. Hon. Judge Rosengarten.

**2009**

02/18/09: Deposition Testimony. Estate of Kazimierz Leja vs. Schmidt Manufacturing, Inc., et al. U.S. District Court, D.N.J. (Newark Vicinage). Civil Action #: 2: 01CV05042. For Plaintiff's Attorney, Anthony V. D'Elia, Esq., on premises of Law Offices Chasan Leyner & Lamparello, P.C.; Secaucus, New Jersey.

03/30/09, 03/31/09, 04/01/09, 04/02/09: Trial Testimony. Talan vs. Anderson/State Farm Insurance Company. For Defense Attorney, Patrick Morale of Picciano & Scahill, P.C. Hon. Judge John Michael Galasso, Part 39, 3<sup>rd</sup> Floor. Nassau County Supreme Court House, NY.

09/08/09: Deposition Testimony. Gabriella Palmer vs. St. Joseph's Regional Hospital. For Plaintiff's Attorney, Donald J. Rinaldi, Esq. of DiBiasi & Rinaldi, LLC; on premises, 345 Centre Street, Nutley, New Jersey 07110; Law Offices.

09/11/09: Trial Testimony. Garnett Morris vs. St. Joseph's Hospital Catholic Medical Center, et al. For Plaintiff's Attorney, Philip Gutsin, Esq. of Engel & Gutsin Law offices. Hon. Judge Rosengarten, Room 23, 2<sup>nd</sup> Floor, Suthpin Blvd., Jamaica, Queens County Supreme Court House, NY.

**LONE THANNING, M.D.**

**LIST OF TRIAL TESTIMONIES AND DEPOSITIONS (CONT.)**

**2009**

10/26/09: Trial Testimony: Estate of Kelman Edwards vs. Jeffrey S. Rubin, M.D. For Plaintiff's Attorney, David P. Kownacki, Esq. Law Offices of David P. Kownacki, P.C. Kings County Supreme Court House, 360 Adams Street, Brooklyn, NY. Index #: 19892/06. Hon. Judge Marsha L. Steinhardt, 4<sup>th</sup> Floor.

**2010**

03/11/10: Deposition Testimony. Rasanen vs. Brown. CV 04 1995 (JS) (ARL). For Defense Attorney, Ms. Dorothy Oehler Nese, Assistant Attorney General, Office of the NY State Attorney General, Nassau Regional Office. On premises of Plaintiff's Law Offices, Harry H. Kutner, Jr., Esq; Mineola, NY.

03/26/10: Deposition Testimony. Estate of Sidney Jackson vs. St. Peters University Hospital, et al. Docket #: MID-L-6140-07. For Plaintiff's Attorney, Franklin P. Solomon, Law Offices of Weitz & Luxenberg. On location, Law Offices of Jeffrey I. Amtman, 157 Engle Street, Englewood, NJ 07631.

04/16/10: Deposition Testimony. Lopez vs. The City of New York. 05-CV-3624 (E.D.N.Y.) Federal Court. For Plaintiff's Attorneys, Gerard Lucciola/Andrea Gatti. The Cochran Firm. On location, Law Offices of Edwards, Augell, Palmer & Dodge, LLP, 750 Lexington Avenue, 8<sup>th</sup> Floor, New York, NY. Joseph E. Czerniawski, Esq., Defense Counsel.

05/12/10: Trial Testimony. Chagoya vs. Abetta Boiler and Welding Service, (also Third Party Plaintiff) against Mak's Noodle Group, Inc., Third Party Defendant. Index #: 591309/03. For Plaintiff's Attorney, James I. Wolfe, Esq. of Counsel to Law Offices of Lipsig, Shapey, Manus & Moverman, P.C. Hon. Judge Edmead. Supreme Court, 60 Centre Street, Room 438, New York, NY.

05/26/10: Deposition Testimony. David Glowczenski (deceased) vs. Taser International, et al. Complaint/Docket #: CV 04 4052 (SJF) (WIW). For Plaintiff's Attorney, Frederick K. Brewington. On location: Hilton Garden Inn, Islip/McArthur Airport, 3485 Veterans Memorial Highway, Ronkonkoma, NY.

06/21/10: Deposition Testimony. Kaldawi vs. Vornado, et al. For Plaintiff's Attorney(s), Barbara Manes, Esq. of Sanders, Sanders, Block, Woycik, Viener and Grossman, P.C. and Jonathan R. Klee, Esq. of Klee and Woolf, L.L.P. On location, Office of Forensic Medical Consulting of NY, P.C., 148 Huntington Bay Road, Huntington, NY 11743.

**LONE THANNING, M.D.**

**LIST OF TRIAL TESTIMONIES AND DEPOSITIONS (CONT.)**

**2010**

09/15/2010 at 10:00 a.m. Video-taped and Oral Expert Deposition Testimony, Yendy Medina, Deceased, vs. Delta Airlines, Inc., United States District Court; Eastern District of New York. Index #: 09 CV 4018 (NGG) (LB). On location, Offices of Plaintiff's Attorney, Desimone Aviles, Shorter & Oxamendi, LLP; by Jason M. Bernstein, Esq.

09/27/2010: Trial Testimony. Estate of Donald J. Hewitt vs. St. Catherine of Siena Hospital and Nursing Home, Winthrop University Hospital, et al. For Plaintiff's Attorney, Ira. S. Slavit, Esq., Levine and Slavit. Riverhead Supreme Court, Room 258. Hon. Judge Peter Mayer.

11/03/2010: Trial Testimony. Estate of Charles N. Brooks, vs. Westchester County Medical Center and Dr. Asprinio. Index #: 07-24233. For Plaintiff's Attorney. Edward Tantleff, Esq. of Tantleff, Cohen & Tantleff. Westchester County Supreme Court House, White Plains, NY. Hon. Judge Lester B. Adler, Room 201.



## *Forensic Medical Consulting of NY, P.C.*

Lone Thanning, M.D.,  
F.C.A.P., F.A.C.F.E., D.A.B.F.M.  
Diplomate, Anatomic & Forensic Pathology

### 2010 FEE & CANCELLATION SCHEDULES

#### 2010 FEE SCHEDULE

EIN #: **20-4871921**

Preparation of Court Testimony, Personal Meetings with Attorneys and/or other Experts, Review of Medical Records, Police Reports, Accident Reports, Ambulance Call Reports, Toxicology Reports, Autopsy Reports, Insurance Records; including Oral and Written Reports with Analysis and Interpretation of Injuries and other Medico-Legal Issues, Microscopic Slide Review, Physical Examination of Evidence; including Travel Time and Expenses.

**\$350.00 per hour.**

Physician's Affidavit or Affirmation.

**\$750.00.**

Medical Expert Witness Court Testimony by Forensic Pathologist Litigation Consultant:

a. Local Courts (New York City, Nassau and Suffolk Counties), including travel time and expenses. **\$5,000.00.**

b. All other New York State Courts, excluding travel time and expenses. **\$5,000.00.**

Travel time in excess of 2 hours (Port-to-Port) is computed at the usual hourly rate of **\$350.00.**

c. Out of State Testimony, excluding travel time and expenses. **\$5,000.00.**

Travel time in excess of 2 hours (Port-to-Port) is computed at a reduced hourly rate of **\$250.00**, when more than one day of travel is involved.

**ALL AIRFARE AND HOTEL EXPENSES ARE ADDITIONAL.**

### **2010 FEE SCHEDULE (CONT.)**

d. **Deposition Testimony**, including travel time and expenses in Nassau & Suffolk Counties, the Bronx, Brooklyn, Queens and Manhattan Counties. Travel time in excess of 2 hours (Port-to-Port) is computed at the usual hourly rate of \$350.00.

<b>Minimum Daily Rate Flat Fee:</b>	<b>\$3,500.00.</b>
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This represents a 10 hour Minimum Daily Rate, including up to 2 hours of Travel Time. It also includes Scheduling/Re-Scheduling and Documents and Evidence to be produced at, before or after the Deposition.

If the 10 hours are met or Exceeded: Separate Billing will be issued for Time Spent Proof Reading Transcript and Filling Out Errata Sheet.

**Please Note: No Third Party Billing Will Be Undertaken of Opposing Counsel or Agency.**

e. **Microscopic Slide Review:**

- In House - up to 10 Microscopic slides. \$ 750.00.
- In House > 10 Microscopic Slides = Extended Slide Review. \$1000.00.
- On Location. Including up to 2 hours travel time; expenses included, Port-to-Port. Travel time in excess of 2 hours is computed at the usual hourly rate of \$350.00.

<b>Minimum Rate Flat Fee:</b>	<b>\$1500.00.</b>
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**PREPAYMENT IS REQUIRED WHEN APPOINTMENT IS BOOKED AND  
MINIMUM 5 BUSINESS DAYS BEFORE APPEARANCE DAY  
TO GUARANTEE MY AVAILABILITY.**

**\*\*ALL BILLING STATEMENTS ARE DUE UPON RECEIPT. AFTER 30 DAYS, A 15% LATE SERVICE CHARGE IS APPLICABLE. AFTER 60 DAYS, THE STATEMENTS ARE SENT TO A COLLECTION AGENCY, WHEREBY THE CLIENT WILL BE RESPONSIBLE FOR THE COLLECTION AGENCY'S FEE OF 25% OF THE TOTAL OUTSTANDING BILL.\*\***

### **2010 CANCELLATION SCHEDULE**

- With more than 5 Business Days Notice: 75% Refund of Total Amount.
- With more than 2 Business Days (> 48 hours) Notice:

**50% OF TOTAL FEE RECEIVED AT TIME OF CANCELLATION WILL BE REFUNDED OR APPLIED TOWARDS ADJOURNMENT DATE. [FUNDS NOT RECEIVED WITHIN 5 BUSINESS DAYS OF SCHEDULED TRAVEL DATE VS. TESTIMONY WILL NOT BE**

**2010 FEE SCHEDULE (CONT.)**

**SUBJECT TO CANCELLATION REFUNDS, BUT WILL BE RE-BILLED PRIOR TO  
ADJOURNMENT DATE].**

➤ With less than 2 Business Days (< 48 hours) Notice: **NO REFUND.**

**This Fee/Compensation Agreement is Between Forensic Medical Consulting of NY,  
P.C. and the Retaining Party Only. Any Dispute of this Pre-Payment Arrangement  
Subjected to Court Ruling will not alter this Agreement entered into between the  
Parties Undersigned Herewith.**

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Lone Thanning, M.D., F.C.A.P.  
President Forensic Medical Consulting of NY, P.C.

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Law Firm/Agency/Individual Counsel

LT:dg  
1/10